


April 12, 2024




Ms. Allison Myers
Executive Director, Department of Special Education
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: 
Reference: #24-146

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATIONS:

On February 14, 2024, MSDE received a complaint from Ms. , hereafter, “the complainant,” on behalf of her son. In that correspondence, the complainant alleged that the Baltimore County Public Schools (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The BCPS has not ensured that the student received a 1:1 dedicated aide and consistent transportation as required by the student’s Individualized Education Program (IEP) since August 2023, in accordance with 34 CFR §§300.101 and .323.
2. The BCPS has not ensured that IEP team meetings have occurred at a mutually agreed upon time since December 2023, in accordance with 34 CFR §300.322.
3. The BCPS has not ensured that parent concerns have been addressed since December 2023, in accordance with 34 CFR §300.324.
4. The BCPS did not provide a written invitation to the February 6, 2024, IEP team meeting that contained accurate information about the purpose of the meeting, in accordance with 34 CFR §300.322 and 13A.05.01.07.
5. The BCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the February 6, 2024, IEP team meeting at least five business days before the

scheduled meeting, in accordance with COMAR 13A.05.01.07.

6. The BCPS did not ensure that the parent's advocates were able to participate in the February 6, 2024, IEP meeting on behalf of the parent, in accordance with COMAR 13A.05.01.07.
7. The BCPS has not provided the parent with IEP team meeting invitations and prior written notices of the IEP team's decisions in her native language since February 2024, in accordance with 34 CFR §§300.322 and .503.

BACKGROUND:

The student is six years old and is identified as a student with Developmental Delay under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP in effect in August 2023 was developed on June 5, 2023. The IEP requires transportation and "additional adult support for [the student] to develop his fine motor, communication, pre-academic skills, toileting, activities of daily living (ADL) and feeding routines, and evacuation/emergency procedures. He has many needs therefore an additional adult is warranted to provide support in the development of these skills."
2. The IEP does not require a 1:1 dedicated aide, however, there is documentation that the student has been provided additional adult support as required by the IEP.
3. There is documentation that transportation services were available to the student on February 15 & 22, 2024, as required by the IEP.
4. On November 17, 2023, the complainant emailed the BCPS teacher inquiring about an injury the student received at school. (The inside of the student's bottom lip was injured).
5. On November 20, 2023, the BCPS teacher emailed the complainant, sharing that the student fell at recess and was taken to the nurse.
6. On December 21, 2023, the complainant's advocate emailed BCPS staff requesting an IEP team meeting. The email reflects that the advocate is unavailable on Wednesdays.
7. On January 6, 2024, BCPS staff emailed the complainant sharing that "BCPS rules", require that only the parent can make the request for an IEP team meeting. The email reflects that the BCPS would need parental consent to provide information to the advocate.
8. On January 6, 2024, the complainant emailed the BCPS staff requesting an IEP team meeting.
9. On January 8, 2024, BCPS staff emailed the complainant, sharing that due to staff availability, IEP meetings are convened on Wednesdays and the next meeting would be a reevaluation meeting. The BCPS staff also requested that the complainant provide any concerns to be discussed at the meeting.

10. On January 10, 2024, the complainant emailed the BCPS staff inquiring about a scratch the student received while at school. BCPS staff informed the complainant that the student did not have an incident at school that day, but someone would follow up with the student's bus driver and attendant regarding the scratch.
11. On January 12, 2024, BCPS staff offered to hold a meeting on Thursday, January 25, 2024; however, the meeting was not formally scheduled at that time.
12. On January 24, 2024, the complainant accepted an invitation to the IEP meeting that BCPS staff scheduled for January 31, 2024.
13. On January 28, 2024, the complainant emailed BCPS staff requesting to record the upcoming IEP meeting and to receive the following documents to prepare for the meeting:
 - The student's last 2 IEPs
 - PWN's from all the meetings of the past year
 - Progress reports and report cards from the past year
 - Service logs from service providers
 - Special education teacher logs
 - Related service logs
 - Attendance logs
 - Behavior reports
 - Incident reports
 - Nurse notes from the 2023-2024 school year
 - The student's BIP, if applicable
 - Any district/formal assessment data
 - Any evaluations from three years prior
 - Student work samples
14. On January 30, 2024, BCPS staff emailed the complainant and the advocate. The email reflects that the IEP chairperson was unavailable for the meeting and the meeting would need to be rescheduled. The BCPS staff offered to convene the IEP team meeting on Monday, Tuesday, Wednesday, or Thursday of the next week.
15. On January 31, 2024, the complainant's advocate submitted a second request to have the upcoming IEP meeting recorded.
16. On February 3, 2024, the complainant emailed BCPS staff renewing the request for the documents.
17. On February 5, 2024, BCPS staff emailed the following documents to the complainant:
 - The student's IEP dated June 5, 2023
 - The student's IEP dated April 27, 2023
 - An assessment from the [REDACTED]
 - Prior written notice from the December 14, 2022, IEP meeting
 - Prior written notice from the October 4, 2023, IEP meeting
 - Prior written notice from the June 5, 2023, IEP meeting

- An assessment from the [REDACTED]
- Prior written notice from the December 14, 2022, IEP meeting
- Prior written notice from the October 4, 2023, IEP meeting
- Prior written notice from the June 5, 2023, IEP meeting
- The student's IFSP
- The student's 2020 Occupational Therapy Assessment
- The student's 2022-2023 and 2023-2024 attendance records
- A nursing assessment
- A Combined Assessment for Transition at Age 4
- A speech document
- A developmental document

There is no documentation that the complainant received the student's work samples, service logs, nurse notes, and district/formal assessments.

18. There is documentation that the parent was sent an invitation dated January 31, 2024, to an IEP team meeting scheduled for February 6, 2024.
19. There is no documentation that the BCPS provided accessible copies of each document the IEP team planned to discuss at least five business days before the February 6, 2024, IEP team meeting.
20. On February 6, 2024, the IEP team convened at the request of the complainant to discuss the parent's concerns about student safety and to conduct the student's reevaluation planning. The meeting was scheduled for one hour. An interpreter was scheduled to participate in the meeting. The parent requested that a separate meeting be scheduled to discuss the student's safety concerns.

The complainant was denied her request to record the meeting at the start of the meeting. During the meeting, the IEP team, including the complainant, agreed to record the remainder of the meeting.

The PWN generated after the meeting reflects that the team reviewed the student's existing data and determined that the student continued to be eligible for special education services as a student with autism. The IEP team determined that additional assessments in the areas of educational, psychological, classroom observation, speech-language, and occupational therapy were required.

The BCPS staff shared that the complainant did not share her concerns prior to the meeting as requested. The complainant's advocate advised the complainant that she did not have to speak about her concerns at this time, and the team could reschedule a separate meeting to allow her to read her concerns in her native language.

Due to the interpreter's schedule, the meeting was adjourned after one hour. The IEP team agreed to reschedule the meeting at a mutually agreed upon time.

21. On February 8, 2024, the BCPS staff emailed the complainant and provided the February 6, 2024, PWN in her native language. The BCPS staff requested that the complainant provide dates to reconvene the IEP team meeting and again requested a list of the complainant's concerns.

22. On February 12, 2024, the BCPS staff emailed the complainant sharing that a tentative IEP team meeting date was scheduled for February 20, 2024. The email also contained a request to collaborate on a mutually agreed upon time.
23. On February 14, 2024, the BCPS staff member emailed the complainant sharing that the purpose of the meeting would be to conduct the student's reevaluation planning and address the complainant's concerns. The email reflects that an interpreter was requested, and the BCPS staff inquired as to if the complainant wanted to record the meeting.
24. On February 14, 2024, the complainant emailed the BCPS staff requesting that corrections be made to the PWN from the February 6, 2024, IEP team meeting. The complainant requested that the PWN reflect the following:
 - The IEP chair initially stated that the meeting could not be recorded;
 - The complainant had not received all of the documents that she requested;
 - The complainant requested the meeting, but BCPS staff turned it into a reevaluation meeting;
 - The complainant had not received information in her native language prior to hiring an advocate; and
 - The complainant did not receive the information five days prior to the meeting.
25. On February 14, 2024, the BCPS staff emailed the complainant and addressed the BCPS' policy for recording IEP team meetings; the complainant's February 5, 2024, request for records; and explained the five-day document rule for IEP team meeting documents discussed at the IEP team meeting. The email reflects the meeting would be convened on February 20, 2024, and the purpose would be to conduct the student's reevaluation planning and discuss the complainant's concerns. The BCPS staff requested that the complainant provide any concerns prior to the meeting.
26. On February 15, 2024, the complainant emailed the BCPS staff requesting the scheduled IEP team meeting not be a reevaluation planning meeting but an opportunity for her to discuss any concerns. The complainant further requested that the reevaluation planning meeting be rescheduled. The complainant shared that after discussing the re-evaluation in the previous IEP team meeting, the BCPS IEP team did not want to hear the advocate's concerns. The complainant expressed displeasure with being requested to provide her concerns prior to the meeting and renewed her request to have the previous PWN amended.
27. On February 16, 2024, BCPS staff emailed the complainant, sharing that the PWN could not be changed, but the complainant's input would be attached as an addendum and uploaded to the student's electronic file. BCPS staff also shared that the reevaluation would proceed and an opportunity would be provided to discuss parent concerns. The BCPS staff explained that the request for the complainant's concerns in advance ensures the participation of appropriate IEP team participants.
28. On February 20, 2024, the BCPS emailed the complainant and shared that the reevaluation meeting would be canceled. The BCPS staff offered a meeting date of March 5, 2024, and shared that the meeting would proceed even if the complainant was unable to attend.

29. On February 23, 2024, the complainant emailed the BCPS staff and shared increased concerns about the student's care and safety and requested to convene an IEP team meeting to specifically address those concerns. The complainant also requested a change of placement due to the student not being able to receive a 1:1 dedicated aide at the school.
30. On February 26, 2024, the BCPS contacted the complainant and offered to assist the complainant with her concerns regarding amendments to the February 6, 2024, PWN.
31. On February 20, 2024, the BCPS staff emailed the complainant a Parent's Notice of the IEP Team Meeting in her native language for the March 5, 2024, IEP team meeting.
32. On March 5, 2024, the IEP team convened to conduct the student's reevaluation meeting. The PWN, generated after the meeting, reflects the meeting was recorded by the complainant and the BCPS. The complainant shared concerns regarding the previously requested records, and the student's academic progress in speech and language. The complainant requested that the advocate be permitted to discuss the reevaluation concerns. The advocate inquired about the initial evaluation conducted on the student, what the parental rights were for an independent educational evaluation (IEE), the student's feeding, and the notes from the school nurse. The BCPS team stated that an IEE form would be submitted to the Department of Special Education and addressed the advocate's other questions.

The IEP team reviewed the following information:

- Educational assessment;
- Psychological assessment
- Functional adaptive assessment
- Classroom observation
- Speech-language assessment
- Occupational therapy assessment
- Physical therapy assessment and services;
- Existing data documents;
- Manipulatives available in the classroom;
- Behavior Progress;
- Infants and Toddler Assessment; and
- Parental input

Due to time constraints the IEP meeting was adjourned, and the IEP team agreed to reconvene on March 15, 2024.

33. There is documentation that a Parent's Notice of the IEP Team Meeting in the parent's native language was generated on February 26, 2024, for the March 15, 2024, IEP team meeting. However, this date was prior to the IEP team agreeing at the March 5, 2024, meeting to reconvene on March 15, 2024. There is documentation the Parent's Notice of the IEP Team Meeting was provided to the complainant on March 11, 2024.
34. On March 10, 2024, the complainant's advocate emailed the BCPS staff. The email reflects that the complainant requested the following amendments to the March 5, 2024, PWN:

- BCPS stated that the recording of the meeting cannot be shared with the complainant, and it can only be placed in the student's file.
- The IEP team stated that a request for an IEE was going to be sent to BCPS district staff.

There is no documentation that BCPS responded to this request to amend the student's record.

35. On March 15, 2024, the IEP team reconvened to "review/revise [the student's] IEP as a basis of parent concerns communicated by the advocate." The PWN generated after the IEP team meeting reflects that BCPS agreed to provide the complainant with all of the nurse's reports to date. The BCPS team addressed its concerns regarding the student's safety and shared that the student is not [REDACTED] as previously asserted by the complainant. The PWN reflects that both the complainant and the advocate did not address this¹. The PWN also reflects that the complainant and the parent requested that the IEP team consider photos of the student's injuries as a part of the safety discussion and to determine whether additional adult support was needed. The IEP team declined that request. The PWN further reflects that the BCPS team determined that the data did not support providing the student with a dedicated 1:1 aide, and the complainant disagreed. The team agreed to add home-school communication system to the supplementary aids and services. The IEP team, through the BCPS Compliance Office, had previously discussed a change of school location, however, the PWN reflects that that offer was now "off the table." The PWN also notes that BCPS response to the complainant's January 28, 2024, request for documents, stating that some documents were sent on February 5, 2024, in order to prepare for the upcoming IEP team meeting. Since the other documents that were requested were not required to prepare for that meeting, the LEA has 45 days to provide the requested documents, per the advice of the Baltimore County Law Office.

The next IEP team meeting was scheduled for April 4, 2024.

36. There is documentation that the March 5 and 15, 2024, PWNs were provided to the complainant in her native language.

CONCLUSIONS:

ALLEGATION #1: PROVISION OF 1:1 DEDICATED AIDE AND TRANSPORTATION

Provision of 1:1 Dedicated Aide

Based on the Findings of Facts #1, and #2, MSDE finds that the student's IEP did not require the provision of a 1:1 dedicated aide. Therefore, this office finds that no violation occurred concerning this aspect of the allegation.

¹ There is suggestion that there is a language barrier, and the parent meant the student was in a [REDACTED] previously, not a [REDACTED].

Transportation

Based on the Findings of Facts #1, and #3, MSDE finds that the BCPS has ensured that the student received consistent transportation as required by the student's IEP since August 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that no violation occurred concerning this aspect of the allegation.

ALLEGATION #2: IEP MEETINGS AT A MUTUALLY AGREED UPON TIME

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place. (34 CFR §300.322)

In this case, although the BCPS team originally stated that IEP team meetings occur only on Wednesdays, the parties were able to schedule the IEP team meetings at mutually agreed upon times. (34 CFR §300.322)

Based on the Findings of Facts #6 to #9, #11, #12, #14, #20, #22, #25, #31, #32 and #35, MSDE finds that the BCPS has ensured that IEP team meetings have occurred at a mutually agreed upon time since December 2023, in accordance with 34 CFR §300.322. Therefore, this office finds that no violation occurred concerning the allegation.

ALLEGATION #3: ADDRESSING PARENT CONCERNS

Student Safety and Recording IEP Team Meetings

In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student's learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (34 CFR §300.324).

Based on Finding of Facts #35, the IEP team refused to consider information provided by the parent at the March 15, 2024, IEP team meeting, when they informed the parent that she could not share photos of the student's injuries at the meeting in support of her concerns about the student's safety and the need for additional adult support. Further, based on Findings of Fact #9, #20, #21 and #27, it appears that the complainant's attempts to discuss the parent's concerns regarding the student's safety and educational programming were stifled due to BCPS insistence in the provision of a "list of concerns" provided prior to the meeting. Finally, based on Finding of Facts #9, #20, #23, #25, #26, #27, #28, and #29, BCPS refused the parent's request to separate the purpose of the two meetings to discuss only the parent's concerns. While some of the parent's concerns were ultimately considered since December 2023 in accordance with 34 CFR §300.324, others were not, and roadblocks were inexplicably inserted to the productive consideration of the parent's concerns. Therefore, this office finds that a violation did occur with respect to this allegation.

Request to Amend PWN

A parent who believes that information in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that

maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing. (34 CFR § 300.618)

Based on the Findings of Facts #24, #26, #27, #30, #34 and #37, MSDE finds that the BCPS has not ensured that parent's concerns regarding the February 2024 request to amend the PWN has been addressed in accordance with 34 CFR §300.618. Therefore, this office finds that a violation did occur concerning this aspect of the allegation.

ALLEGATION #4: PROVISION OF PROPER NOTICE TO AN IEP TEAM MEETING

An invitation sent to a parent must correctly indicate the purpose, time, and location of the meeting and who will be in attendance; and inform the parents of the provisions relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child. (34 CFR § 300.322) Based on the Finding of Fact #18, there is no formal documentation of an invitation of the February 6, 2024, IEP team meeting. Additionally, based on Finding of Fact #23, BCPS continued to invite the parent to an evaluation planning meeting on February 20, 2024, and March 5, 2024, after reevaluation planning had been completed on February 6, 2024. MSDE finds that the BCPS did not provide notice to the parent for the February 6, 2024, IEP team meeting at all, and provided the parent with incorrect notice on February 20, 2024, and March 5, 2024, in accordance with 34 CFR §300.322 and 13A.05.01.07. Therefore, this office finds that a violation occurred concerning the allegation.

ALLEGATION #5: PROVISION OF DOCUMENTS 5 DAYS BEFORE IEP MEETING

Based on the Finding of Fact #19, MSDE finds that the BCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the February 6, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred concerning the allegation.

ALLEGATION #6: PARENT PARTICIPATION IN AN IEP MEETING

Based on the Findings of Fact #20, MSDE finds that the BCPS did ensure that the parent and parent's advocates were able to participate in the February 6, 2024, IEP meeting on behalf of the parent, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that no violation occurred concerning the allegation.

ALLEGATION #7: PROVISION OF IEP MEETING INVITATIONS AND PRIOR WRITTEN NOTICES IN THE PARENT'S NATIVE LANGUAGE

Based on the Findings of Fact #21, #31, and #36, MSDE finds that the BCPS has provided the complainant with IEP team meeting invitations for March 5 and 15, 2024, and prior written notices for February 6, 2024, and March 5 and 15, 2024, of the IEP team's decisions in her native language since February 2024, in accordance with 34 CFR §§300.322 and .503. Therefore, this office finds that no violation occurred concerning the allegation.

ADDITIONAL VIOLATIONS IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

1. Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, any hearing, or resolution session, and in no case more than 45 days after the request has been made. (34 CFR § 300.613)

In this case, the complainant requested records on January 28, 2024. On February 5, 2024, the BCPS provided a portion of the requested records. The IEP team convened on February 6, 2024.

Based on the Findings of Facts #13, 18, and #19, MSDE finds that the BCPS did not provide the complainant with access to the requested education records prior to the February 6, 2024, IEP team meeting, in accordance with 34 CFR §§300.501 and .613.

2. The parent of a student with a disability shall be provided with written notice in advance of the meeting. Reasonable notice shall be at least 10 days in advance of the meeting, unless an expedited meeting is being conducted to address disciplinary issues; determine the placement of the student with a disability not currently receiving educational services; or meet other urgent needs of the student to ensure the provision of FAPE. (COMAR 13A.05.01.07)

Based on the Findings of Facts #18 and #33, MSDE finds that the BCPS did not ensure that the complainant was provided with written notice of the February 6, 2024, and March 15, 2024, IEP meetings at least 10 days in advance of the meeting, in accordance with COMAR 13A.05.01.07.

3. A public agency must ensure that a reevaluation of each child with a disability is conducted if the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation. The reevaluation may occur not more than once a year, unless the parent and the public agency agree otherwise; and must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary. (34 CFR § 300.303)

In this case, according to the student's IEP, his most recent evaluation date was December 8, 2020, and his projected reevaluation date was December 8, 2023. Based on the documentation received, the team did not conduct the student's reevaluation until February 2024.

Based on the Findings of Facts #9, #20, #23 to #28, and #32, MSDE finds that the BCPS did not ensure that the student was reevaluated once every 3 years, in accordance with 34 CFR § 300.303.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. MSDE has established reasonable

time frames below to ensure that noncompliance is corrected in a timely manner.²

This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Barmat can be reached at (410) 767-7770 or by email at alison.barmat@maryland.gov.

Student-Specific:

MSDE requires the BCPS to convene an IEP team meeting by June 31, 2024, to determine whether the violations above had a negative impact on the student's ability to benefit from her educational program. If the team determines that there was a negative impact, they must develop a plan to provide compensatory services or other remedy to address the impact. MSDE further requires BCPS to provide documentation by June 31, 2024, that the school system has taken the following actions:

- Provide the complainant with prior written notice of the February 6, 2024, IEP meeting in her native language;
- Ensure that the parent's advocate is permitted to participate in IEP meetings if she has been designated by the parent to speak for her;
- Provide the complainant with an opportunity to discuss her concerns regarding student safety, inclusive of photos of the injuries;
- Provide accessible copies of each document the IEP team plans to discuss at the IEP team meeting at least five business days before the scheduled meeting; and
- Provide accessible copies of each document requested by the complainant on January 28, 2024.

The BCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based:

MSDE requires that by August 1, 2024, the BCPS provide documentation of the steps that it has taken to ensure that the staff at [REDACTED] ensures that parents are provided with documents to be discussed at IEP meetings at least five days prior to the IEP meeting, that proper procedures are followed regarding invitations to IEP team meetings, that access requests for student records are fulfilled no more

² The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

than 45 days after the request is made or prior to scheduled IEP team meetings, that proper procedures are followed when there is a request to amend student records, that reevaluations are completed at least every three years, and that parents are provided the opportunity to share any information that they would like considered with an IEP team. These steps must include staff development, as well as tools developed to monitor the action steps. Additionally, 10 randomly selected student files must be monitored to determine whether parents have received documents to be discussed at IEP team meetings at least 5 days in advance of the scheduled meeting and that reevaluations are completed within required timelines, and invitations to IEP team meetings reflect the proper purpose and are sent within the required timeframe. The monitoring report must be submitted to MSDE prior to July 1, 2024. Full compliance is required before the case will be closed.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/ebh

c: Dr. Myriam Rogers, Superintendent, BCPS
Charlene Harris, Supervisor of Compliance in the Department of Special Education, BCPS
Jason Miller, Coordinator, Special Education Compliance, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], Principal, BCPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE